

REPORT OF THE SELECT COMMITTEE ON
THE BILL TO AMEND THE WORKMEN'S
COMPENSATION REGULATION, XIV OF 1928.

We, the undersigned Members of the Select Committee to which the Bill to amend the Workmen's Compensation Regulation, XIV of 1928 was referred, have considered the Bill and have now the honour to submit this our Report together with a copy of the Bill as amended by us.

2. *Clause 2.*—We consider that an adopted son should be included as a dependant under Section 2 (d) (1). The words "a minor adopted son" may be inserted after the words "a minor legitimate son" in sub-clause (a) (i) of clause 2.

One of the members suggested that foster son should be included as a dependant. But the general opinion of the Committee was against this.

3. *Section 3, sub-section 2 of the Regulation.*—It is proposed by the Bill to add to Schedule III and thus increase the list of occupational diseases. The effect is to make Section 3 (2) applicable to these diseases. The contracting of such disease by any workman will be deemed to be an injury by accident liable to be compensated and unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the particular employment. Since the burden of proving the negative lies on the person under whom the workman has been last employed and the nature of the disease is such that it can be contracted only by gradual process, it is necessary to prescribe certain rules and conditions to ensure that the claim for compensation is limited to cases in which the liability of the employer can be reasonably inferred. For this purpose it may be necessary to institute a system of medical examinations so that there may be recorded evidence as to when a workman has contracted an occupational disease. Further where there is a doubt as to whether death is due solely or mainly to an occupational disease contracted in the course of employment, it may be necessary to subject the body of a deceased workman to autopsy to ascertain the cause of death. Consequently, it is proposed to add a sub-section making the right to compensation in respect of an

occupational disease conditional on compliance, by the workman or their dependants, as the case may be, with such requirements as may be prescribed in regard to medical examination, autopsy, etc. In order to give effect to this, the following may be added as sub-clause (c) in clause 3 of the Bill, sub-clause (c) in the Bill being re-numbered as sub-clause (d):—

(c) after sub-section 2 add the following as sub-section (2A):—

“Notwithstanding anything contained in sub-section (1), a right to compensation in respect of any occupational disease specified in Schedule III shall be conditional on compliance with such requirements as may be prescribed in regard to medical examination of workmen and autopsy on the body of deceased workmen.”

4. Clause 5.—(1) For purposes of clarity, we are of opinion that the following may be substituted for sub-clause (i) of clause 5:—

“for the words ‘For the purposes of Section 4, the monthly wages of a workman’, the words ‘In this Regulation, monthly wages mean the wages of a workman, by whatever period paid, and’ shall be substituted.”

(2) It is to be noted that only the proviso to Section 5 is deleted, while the explanation remains.

5. Clause 6.—We are of opinion that the amount of advance that may be given by an employer to a dependant on account of compensation as provided in the proviso to sub-section 1 of section 8 should not exceed Rs. 50. Consequently, the word “fifty” may be substituted in place of the words “one hundred” in the proviso to sub-section 1 of Section 8 as proposed in sub-clause (a) of clause 6 of the Bill.

7. Clause 22.—Schedule II (1).—

(i) There is a slight mistake in item (i) of Schedule as printed, and it should be as follows:—

“(i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of mechanically propelled vehicles used for the carriage of persons for hire or for industrial or commercial purposes; or”

(ii) in item X, the words “and in sub-section (1) of section 129” may be added after the word and figure

“section 3”, as this appears to be an inadvertant omission.

(iii) In item XIX, substitute the word “diver” for the word “driver.”

(Sd.) N. MADHAVA RAU (Chairman).

„ S. ABDUL WAJID.

„ H. D. SINCLAIR.

„ M. VENKATANARANAPPA.

„ S. SUBBA RAO.

„ C. HAYAVADANA RAO.

„ M. RAMACHANDRA RAO SINDIA

„ T. RAMACHANDRA.

N. B.—Mr. K. T. Bhashyam Iyengar has not communicated his approval.